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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,218	05/23/2000	Gaurav Banga	103.1038.01	4633

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EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 04/15/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,218

Applicant(s)

BANGA, GAURAV

Examiner

April L Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Response to Amendment

Claims 1, 3, 8, and 13 were amended, and claims 14-21 added, therefore claims 1-6 and 8-21 are now pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3, 8, and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3 and 13-21 rejected under 35 U.S.C. 102(b) as being unpatentable by US Patent No. 5,121,382 to Yang et al.

Regarding claims 3 and 13, Yang et al. teaches a method and device, including steps of at a first device coupled to a communication link (column 1, lines 17-19 and 23-34 and 42-50), generating at least one first message over said communication link to a set of second devices (column 3, lines 56-68), said one first message being disposed so that its receipt at said set of second devices causes said set of second devices to generate one or more second messages over said communication link in response thereto; monitoring receipt of said second messages at said

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first device (column 4, lines 1-14); at said first device, generating at least one third message over said communication link to said set of second devices (column 4, lines 15-22), said one third message being generated in an attempt to interfere with communication on said communication link when said communication link is configured as half-duplex; and determining whether or not a protocol mismatch exists between said first device and any of said set of second devices in response to whether or not said attempt to interfere succeeds (column 5, lines 16-44).

Regarding claim 14 and 18, Yang et al. teaches a method as in claim 13 and 3, including steps of at said first device, adjusting protocol parameters to match all of said second devices (column 1, lines 39-50).

Referring to claims 15 and 19, Yang et al. teaches a method as in claim 13 and 3, wherein at least one of said first device and set of second devices includes an end-host or a switch (column 1, lines 53-60).

Referring to claims 16 and 20, Yang et al. teaches a method as in claim 13 and 3, wherein said communication link includes an Ethernet (column 1, lines 51-55 and column 4, lines 46-68 and column 5, lines 1-15).

Regarding claim 17 and 21, Yang et al. teaches a method as in claim 13 and 3, wherein said protocol mismatch relates to configuration of said communication link as half-duplex or full-duplex (column 1, lines 9-13 and 29-34).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-6, and 8-12 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,121,382 to Yang et al. in view of Kadambi et al.

Regarding claim 1 and 8, Yang et al. teaches a method and device, including steps of at a first device coupled to a communication link (column 1, lines 17-19 and 23-34 and 42-50), generating at least on first message to a set of second devices coupled to said communication link (column 3, lines 56-68), said one first message being disposed so that its receipt at said set of second devices causes said set of second devices to generate one or more second messages in response thereto (column 4, lines 1-14).

Yang et al. does not teach determining a count of said second messages received at said first device; determining whether or not a protocol mismatch exists between said first device and any of said set of second devices, in response to said count of said second messages. Kadambi et al. teaches determining a count of said second messages received at said first device; determining whether or not a protocol mismatch exists between said first device and any of said set of second devices, in response to said count of said second messages (column 3, lines 24-41). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the auto-detection of duplex mismatch of Yang et al. by determining a count of said second messages received at said first device; determining whether or not a protocol mismatch exists between said first device and any of said set of second devices, in response to said count of said second messages because if the count of second messages received is less than the count transmitted then there was a collision which auto-detects a duplex mismatch.

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Regarding claim 2 and 9, Yang et al. teaches a method as in claim 1 and 8, including steps of at said first device, adjusting protocol parameters to match all of said second devices (column 1, lines 39-50).

Referring to claims 4 and 10, Yang et al. teaches a method as in claim 1 and 8, wherein at least one of said first device and set of second devices includes an end-host or a switch (column 1, lines 53-60).

Referring to claims 5 and 11, Yang et al. teaches a method as in claim 1 and 8, wherein said communication link includes an Ethernet (column 1, lines 51-55 and column 4, lines 46-68 and column 5, lines 1-15).

Regarding claim 6 and 12, Yang et al. teaches a method as in claim 1 and 8, wherein said protocol mismatch relates to configuration of said communication link as half-duplex or full-duplex (column 1, lines 9-13 and 29-34).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to auto-detection of duplex mismatch on an element in general:

US Pat No. 5,610,903 to Crayford

US Pat No. 6,366,567 to Singh et al.

US Pat No. 5,311,114 to Smabamurthy et al.

US Pat No. 5,388,091 to Kagawa

US Pat No. 5,561,666 to Christensen et al.

US Pat No. 5,305,306 to Spinney et al.

US Pat No. 6,665,275 to Davy et al.

US Pat No. 6,580,697 to Gardner et al.

US Pat No. 6,078,591 to Kalkunte et al.

US Pat No. 6,704,280 to Mangin et al.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER